

Calendar No. 546

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-307

LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE

SEPTEMBER 8 (legislative day, AUGUST 31), 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 2232]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2232) to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the 1954 U.S. Supreme Court decision of *Brown v. Board of Education*, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States;

(2) the admission of nine African-American students, known as the “Little Rock Nine”, to Little Rock’s Central High School as a result of the *Brown* decision, was the most prominent national example of the implementation of the *Brown* decision, and served as a catalyst for the integration of other, previously segregated public schools in the United States;

(3) 1997 marked the 70th anniversary of the construction of Central High School, which has been named by the American Institute of Architects as “the most beautiful high school building in America”;

(4) Central High School was included in the National Register of Historic Places in 1977 and designated by the Secretary of the Interior as a National Historic Landmark in 1982 in recognition of its national significance in the development of the Civil Rights movement in the United States; and

(5) the designation of Little Rock Central High School as a unit of the National Park System will recognize the significant role the school played in the desegregation of public schools in the South and will interpret for future generations the events associated with early desegregation of southern schools;

(b) **PURPOSE.**—The purpose of this Act is to preserve, protect, and interpret for the benefit, education, and inspiration of present and future generations, Central High School in Little Rock, Arkansas, and its role in the integration of public schools and the development of the Civil Rights movement in the United States.

SEC. 2. ESTABLISHMENT OF CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—The Little Rock Central High School National Historic Site in the State of Arkansas (hereinafter referred to as the “historic site”) is hereby established as a unit of the National Park System. The historic site shall consist of lands and interests therein comprising the Central High School campus and adjacent properties in Little Rock, Arkansas, as generally depicted on a map entitled “Proposed Little Rock Central High School National Historic Site”, numbered LIRO–20,000 and dated July, 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ADMINISTRATION OF HISTORIC SITE.**—The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall administer the historic site in accordance with this Act. Only those lands under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461–467). Nothing in this Act shall affect the authority of the Little Rock School District to administer Little Rock Central High School, nor shall this Act affect the authorities of the City of Little Rock in the neighborhood surrounding the school.

(c) **COOPERATIVE AGREEMENTS.**—(1) The Secretary may enter into cooperative agreements with appropriate public and private agencies, organizations, and institutions (including, but not limited to, the State of Arkansas, the City of Little Rock, the Little Rock School District, Central High Museum, Inc., Central High Neighborhood, Inc., or the University of Arkansas) in furtherance of the purposes of this Act.

(2) The Secretary shall coordinate visitor interpretation of the historic site with the Little Rock School District and the Central High School Museum, Inc.

(d) **GENERAL MANAGEMENT PLAN.**—Within three years after the date funds are made available, the Secretary shall prepare a general management plan for the historic site. The plan shall be prepared in consultation and coordination with the Little Rock School District, the City of Little Rock, Central High Museum, Inc., and with other appropriate organizations and agencies. The plan shall identify specific roles and responsibilities for the National Park Service in administering the historic site, and shall identify lands or property, if any, that might be necessary for the National Park Service to acquire in order to carry out its responsibilities. The plan shall also identify the roles and responsibilities of other entities in administering the historic site and its programs. The plan shall include a management framework that ensures the administration of the historic site does not interfere with the continuing use of Central High School as an educational institution.

(e) **ACQUISITION OF PROPERTY.**—The Secretary is authorized to acquire by purchase with donated or appropriated funds, by exchange, or donation the lands and interests therein located within the boundaries of the historic site: *Provided*, That the Secretary may not acquire lands or interests therein within the consent of the owner thereof: *Provided further*, That lands or interests therein owned by the State of Arkansas or a political subdivision thereof, may only be acquired by donation or exchange.

SEC. 3. DESEGREGATION IN PUBLIC EDUCATION THEME STUDY.

(a) **THEME STUDY.**—Within two years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a National Historic Landmark Theme Study (hereinafter referred to as the “theme study”) on the history of desegregation in public education. The purpose of the theme study shall be to identify sites, districts, buildings, structures, and landscapes that best illustrate or commemorate key events or decisions in the historical movement to provide for racial desegregation in public education. On the basis of the theme study, the Secretary shall identify possible new national historic landmarks appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites for national historic landmark designation.

(b) **OPPORTUNITIES FOR EDUCATION AND RESEARCH.**—The theme study shall identify appropriate means to establish linkages between sites identified in subsection (a) and between those sites and the Central High School National Historic Site established in section 2, and with other existing units of the National Park System to maximize opportunities for public education and scholarly research on desegregation in public education. The theme study also shall recommend opportunities for cooperative arrangements with State and local governments, educational institu-

tions, local historical organizations, and other appropriate entities to preserve and interpret key sites in the history of desegregation in public education.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with one or more educational institutions, public history organizations, or civil rights organizations knowledgeable about desegregation in public education to prepare the theme study and to ensure that the theme study meets scholarly standards.

(d) THEME STUDY COORDINATION WITH GENERAL MANAGEMENT PLAN.—The theme study shall be prepared as part of the preparation and development of the general management plan for the Little Rock Central High School National Historic Site established in section 2.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 2232, as ordered reported, is to establish the Little Rock Central High School National Historic Site in the State of Arkansas as a unit of the National Park System.

BACKGROUND AND NEED

The integration of the Central High School in Little Rock, Arkansas, played a pivotal role in the desegregation of public schools throughout the South following the U.S. Supreme Court's landmark 1954 decision, *Brown v. Board of Education*. The Supreme Court held in the *Brown* decision that the segregation of public schools was unconstitutional. The following year, in its *Brown II* decision, the Court ruled that integration of the public schools was the responsibility of local school districts, to be carried out "with all deliberate speed." This set the stage for the eventual confrontation in Little Rock.

Prior to the *Brown* decision, Central High School was attended only by white students. Following the Court's decision, the Little Rock School Board initially made plans to integrate in phases, to be implemented over a six-year period. However, by the time the school district began to implement its desegregation plan in the fall of 1957, the political controversy in Little Rock had increased to the extent that only 9 black students decided to enroll at Central High, along with approximately 1,900 white students.

When the nine black students, known as the "Little Rock Nine," attempted to enter Central High School in September of 1957, the issue of desegregation had polarized not only Little Rock, but the entire Nation. The controversy intensified when the Governor of Arkansas, Orval E. Faubus, ordered the Arkansas National Guard to prevent the desegregation of Central High. Following several days of unrest, a Federal District Court in Little Rock issued an order preventing the National Guard from further obstructing desegregation efforts in Little Rock. Amid this period of intense unrest and acrimony, President Eisenhower issued an Executive Order which federalized the National Guard and deployed Federal troops to enforce the district court's order. Although several events during the following days were often tense, the eventual peaceful resolution that followed helped to ensure the successful implementation of the Supreme Court's *Brown* decision, not only in Little Rock, but throughout the South.

During the fall of 1957, the attention of the Nation was focused on Little Rock. Because of the national focus, Little Rock became the catalyst for the subsequent integration of public schools throughout the South, and Little Rock Central High School is the site most closely associated with the desegregation of public education in the United States. The school is included on the National Register of Historic Places, and was designated in 1982 as a National Historic Landmark by the Secretary of the Interior. According to a study prepared by the National Park Service, the school is nationally significant and suitable and feasible for designation as a National Historic Site.

LEGISLATIVE HISTORY

S. 2232 was introduced by Senators Bumpers and Hutchinson on June 25, 1998. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 2232 on July 9, 1998.

At its July 29, 1998 business meeting, the Committee on Energy and Natural Resources ordered S. 2232, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS

The Committee on Energy and Natural Resources, in open business session on July 29, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2232, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 2232, the Committee adopted an amendment in the nature of a substitute. The amendment clarifies that designation of Central High School as a unit of the National Park System will not result in administration or operation of the school by the National Park Service, nor will the designation affect the Little Rock School District's authority to administer Central High, or the City of Little Rock's authorities in the neighborhood surrounding the school. In addition, the amendment revises the boundary map for the historic site to include the Central High Museum and Visitor Center and other adjacent properties as part of the historic site. All of the changes made by the amendment were recommended by the National Park Service at the Subcommittee hearing on S. 2232. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1(a) contains several Congressional findings.

Subsection (b) states that the purpose of the Act is to preserve, protect, and interpret Little Rock Central High School for the benefit, education, and inspiration of present and future generations, and its role in the integration of public schools and the development of the Civil Rights movement in the United States.

Section 2(a) establishes the Little Rock Central High School National Historic Site (historic site) as a unit of the National Park

System. The subsection also references a map depicting the boundaries of the historic site.

Subsection (b) provides that the Secretary of the Interior (Secretary) is to administer the historic site in accordance with this Act. The subsection makes clear that only lands under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System, including the 1916 National Park Service Organic Act and the Historic Sites Act of 1935. The subsection also clarifies that the designation of Little Rock Central High School as a National Historic Site will not affect the authority of the Little Rock School District to administer Central High, nor will the designation affect the authorities of the city of Little Rock with respect to the surrounding neighborhood.

Subsection (c) authorizes the Secretary to enter into cooperative agreements with appropriate public and private agencies, organizations, and institutions in furtherance of the purposes of this Act. Visitor interpretation activities are to be coordinated with the Little Rock School District and Central High Museum, Inc.

Subsection (d) directs the Secretary to prepare a general management plan for the historic site within three years after the date funds are made available. The plan is to identify specific roles and responsibilities for the National Park Service in administering the historic site, as well as identifying lands or property necessary within the historic site for potential acquisition by the Park Service. The plan is to include a management framework to ensure that administration of the historic site does not interfere with the continuing use of Central High School as an active educational institution.

Subsection (e) contains standard land acquisition language. It authorizes the Secretary to acquire lands or interests therein within the boundaries of the historic site by purchase with donated or appropriated funds, donation or exchange. Lands (or interests therein) may only be acquired from willing sellers, and lands (or interests therein) owned by the State of Arkansas or a political subdivision of the State may only be acquired by donation or exchange.

Section 3(a) directs the Secretary to prepare a National Historic Landmark Theme Study on the history of desegregation in public education. The study is to be completed within two years after the date funds are made available. The purpose of the study is to identify sites and structures which best illustrate or commemorate key events or decisions in the historical movement to provide for racial desegregation in public education.

Subsection (b) states that the theme study is to identify appropriate ways to establish linkages between sites identified by the theme study and with Little Rock Central High School, in order to maximize opportunities for public education and scholarly research.

Subsection (c) authorizes the Secretary to enter into cooperative agreements with educational institutions, public history organizations, or civil rights organizations in the preparation of the theme study.

Subsection (d) provides that the theme study is to be prepared as part of the development of the general management plan for the historic site.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 20, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2232, a bill to establish the Little Rock Central High School National Historic Site in the state of Arkansas, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

S. 2232.—A bill to establish the Little Rock Central High School National Historic Site in the state of Arkansas, and for other purposes

CBO estimates that initial one-time costs to implement S. 2232 would be about \$1 million over fiscal years 1999 and 2000, assuming appropriation of the necessary amounts. In addition, CBO estimates that the federal government would spend about \$500,000 annually, beginning in 2000, to operate new facilities authorized by the legislation. Additional one-time expenses also may be incurred after 2000, but their amount cannot be determined at this time.

Enacting S. 2232 would not affect direct spending and receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 2232 would establish as a unit of the National Park System the Little Rock Central High School National Historic Site in Arkansas. The historic site would be composed of the school building itself (which would continue to be owned and operated by the Little Rock School District), the visitor center currently operated by the Central High Museum, Inc., and other adjacent property including Ponder's Drug Store and some vacant lots. The bill would:

authorize the National Park Service (NPS) to acquire property at the site by donation, purchase, or exchange,
direct the NPS to prepare a general management plan for the site along with a theme study to identify similar sites that

commemorate racial desegregation in public schools, both within two years of receiving funding for the studies,

authorize the agency to execute cooperative agreements with public or private agencies, organizations, and institutions to carry out the purposes of the legislation, and

authorize the appropriation of whatever sums are necessary for these activities.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the federal government would spend around \$1 million to prepare the required studies, acquire a small amount of land at the site, develop an interpretive program in conjunction with the museum, and provide minimal facilities such as parking. Beginning in fiscal year 2000, the NPS would need about \$500,000 annually to manage the site, including the costs of assisting the museum in operating the existing visitor center, coordinating volunteer activities, and providing assistance under cooperative agreements. Once the general management plan has been completed, other development projects could be identified. CBO cannot predict what these projects might include, but possibilities include additional visitor facilities, which could cost a few million dollars.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2232. The bill is not a regulatory measure in the sense of imposing government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2232, as ordered reported.

EXECUTIVE COMMUNICATIONS

The relevant testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF WILLIAM D. SHADDOX, ACTING ASSOCIATE
DIRECTOR FOR PROFESSIONAL SERVICES, NATIONAL PARK
SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before the committee to testify on S. 2232, a bill to establish the Little Rock Central High School National Historic Site in Arkansas, and for other purposes. We support enactment of this bill with the amendments outlined in our testimony.

Little Rock Central High School is a symbol of the end of racially segregated public schools in the United States. The high school provided the backdrop for the first impor-

tant test for implementation of the Supreme Court's *Brown v. Board of Education* decisions. The admission in 1957 of nine black students to Central High School drew national and international attention, and was the first fundamental test of the nation's resolve to enforce black civil rights in the face of significant public defiance. In recognition of the importance of Central High School in the history of the United States, the site was designated a National Historic Landmark in 1982. In 1996, the surrounding neighborhood was listed on the National Register of Historic Places because of its association with the events of 1957 and because of its architectural characteristics and qualities.

In 1997, Congress directed the National Park Service to prepare a special resources study to determine the suitability and feasibility of designating Central High School as a unit of the National Park System. That study should be completed by September 1998. Many of the comments and recommendations we make in this testimony evolve from findings of the study.

S. 2232 establishes Little Rock Central High School as a National Historic Site. The purpose of the bill is to preserve, protect, and interpret for the benefit, education, and inspiration of present and future generations the high school and its role in the integration of public schools and the development of the Civil Rights movement in the United States. The site would consist of lands and interests therein comprising the Central High School campus in Little Rock, Arkansas. The site would be administered by the Secretary of the Interior in accordance with the bill and with the laws generally applicable to units of the National Park System, provided, that nothing in the bill would affect the authority of the Little Rock School District to administer Central High School.

The bill directs the Secretary to coordinate interpretation of the historic site with the Little Rock School District and the Central High School Museum Board and to consult and coordinate with the Little Rock School District in the development of a general management plan and in the administration of the historic site. The bill authorizes acquisition of property within the historic site with the consent of landowners, and limits acquisition of lands owned by the State of Arkansas or a political subdivision thereof to a donation or exchange. Finally, the bill directs preparation of a National Historic Landmark Theme Study on the history of desegregation in public education.

Various organizations and agencies in the Little Rock area already are working to preserve the resources of Central High School and are attempting to provide public educational opportunities to learn about the school's stories. The Little Rock School District maintains Central High School in generally good condition and provides limited visitor access to the building. Central High Museum, Inc., operates a visitor center across from the school. The visitor

center and its displays are very well done, and provide a sound introduction to the importance of the site in our nation's history. However, funds to operate this visitor center are limited, and it is uncertain to what extent the facility will be able to continue to be accessible to the public. Further, little is being done to ensure comprehensive preservation of the historic fabric of the school, the surrounding neighborhood, and other buildings related to the important events of 1957.

Existing local efforts provide a solid foundation from which a viable national historic site can be created. We believe the most effective means to protect the site's historical resources, to interpret the site for public understanding and enjoyment, and to administer the site is through a partnership framework that includes the National Park Service, Little Rock Public Schools, Central High Museum, Inc., the City of Little Rock, and others.

Under such a framework, we believe the most appropriate roles for the National Park Service are: (1) Facilitating of site management by promoting partnerships and by convening meetings and encouraging dialogue between partners to make decisions and to achieve mutual goals; (2) developing and leading a comprehensive interpretive program; (3) developing and implementing a volunteer program to support the site; (4) providing historic preservation assistance to Little Rock Schools, the City of Little Rock, and neighborhood residents and property owners to ensure long-term preservation of cultural resources and landscapes; and (5) working with partners to recruit additional public and private sector support for the site and to pursue sources of additional funds and resources to supplement and expand site programs and objectives.

We do not envision a role in matters related to the operation of the high school, nor in maintenance or capital improvements to the school or any other structures within boundaries of a NHS. We do not envision a role that would usurp the City of Little Rock's responsibilities for public health and safety or for land use management and controls. Finally, we do not envision that the National Park Service would serve as a traditional land manager at Central High School. We anticipate the need to acquire little, if any, property, and would not seek regulatory authority (other than for the minimal property we might own in fee). We suggest that any property that might be desirable for NPS ownership be identified with public involvement in association with a general management planning process.

In accordance with these visions, we recommend amending section 2(b) of the bill to read:

The Secretary of the Interior shall administer the historic site in accordance with this Act. Only those lands within the site under the direct jurisdiction of the Secretary shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

Other lands within the historic site shall be administered under existing State and local laws. Nothing in this Act shall affect the authority of the Little Rock School District to administer Little Rock Central High School, nor shall this Act affect the authorities of the City of Little Rock in the neighborhood surrounding the school.

This change makes clear that the National Park Service would not be a traditional land manager at the site, and that existing State and local authorities will continue to be primary guidance for administration of the site.

We also recommend section 2(d) be amended to read:

Within three years after the date funds are made available, the Secretary shall prepare a general management plan (hereinafter “plan”) for the historic site. The plan shall be prepared in consultation and coordination with the Little Rock School District, the City of Little Rock, Central High Museum, Inc., and with other appropriate organizations and agencies. The plan shall identify specific roles and responsibilities for the National Park Service in administering the historic site, and shall identify lands or property, if any, that might be necessary for the National Park Service to acquire to accomplish its roles and responsibilities. The plan also shall identify the roles and responsibilities of other entities to partner in administering the historic site and its programs. The plan shall include a management framework that ensures the administration of the historic site does not interfere with the continuing use of Central High School as an educational institution.

Section 2(e) can then be deleted and succeeding sections renumbered. This change makes clear the importance of local partners in ensuring efficient and effective management of the historic site. Extending the time period for preparation of the general management plan from two years to three years will allow for the necessary, extensive coordination with potential partners and with the public.

Based on decisions made through the general management planning process, it may be desirable to include properties outside the Central High School campus within the national historic site. For example, Central High Museum may need to be added to the boundary if planning identifies the National Park Service as the most appropriate entity to manage the facility. Ponder’s Drug Store was an important site during the September 1957 incidents at the high school. That facility may hold potential for interpretation or administrative use. And vacant lots across from the high school may be desirable for additional parking or other support facilities. Therefore, we recommend amending section 2(a) after “Central High School campus” by in-

serting “and the adjacent properties.” The adjacent properties depicted on the reference map would be limited to the vacant lots at the intersection of Park and 14th Streets, the Central High Museum property, and the Ponder’s Drug Store building.

We are pleased the bill includes provisions for a National Historic Landmark theme study. We would have preferred to conduct such a study before considering designation of Central High as a historic site. However, conducting the study in association with the general management plan will allow us to identify other important sites in the movement to provide for racial desegregation in public schools and to identify possibilities to create linkages between those sites, Central High School, and other National Park Service sites such as Brown v. Board of Education National Historic Site. Preparation of the theme study provides an opportunity to identify opportunities and mechanisms by which the National Park Service may cooperate with other entities to preserve and interpret key sites in the history of desegregation in public education. With our recommended amendments, we strongly support S. 2232.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2232, as ordered reported.

